

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CLIFTON E JACKSON and  
CHRISTOPHER M SCHARNITZKE,

Plaintiff,

Case No. 09-11529  
Honorable David M. Lawson

v.

SEGWICK CLAIMS MANAGEMENT  
SERVICES, INC., COCA COLA  
ENTERPRISES, INC., and PAUL  
DROUILLARD,

Defendants.

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**ORDER DENYING MOTIONS FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

The plaintiff filed a complaint on April 23, 2009, and an amended complaint on April 29, 2009. The defendants filed motions to dismiss the amended complaint, arguing the complaint fails as a matter of law. On July 17, 2009, the plaintiff filed a motion for leave to file an amended complaint. The Court denied this motion without prejudice, finding that the plaintiff did not comply with Eastern District of Michigan Local Rule 7.1 when it faxed a request to defense counsel that they stipulate to the relief sought by the plaintiffs. In its order, the Court quoted the rule for the plaintiffs' benefit.

On July 23, 2009, the plaintiffs filed a renewed motion for leave to file second amended complaint. This motion contained a statement explaining the efforts taken by the plaintiffs' counsel to obtain concurrence. This motion complied with the local rules, and was set for a hearing.

The plaintiffs then filed two additional motions for leave to file a revised second amended complaint: one on July 30, 2009 and another on August 7, 2009. Missing from the latest two

motions is any indication that the plaintiffs sought concurrence from the defendants. Thus, despite being informed by the Court of the requirements of Local Rule 7.1 in a previous order, the plaintiffs' counsel continues not to comply with the local rules. The Court will deny the noncompliant motions, and direct plaintiffs' counsel to read the local rules before filing any further motions or taking other action in this case. *See* E.D. Mich. LR 83.20(a) ("A person practicing in this court must know these rules, including the provisions for sanctions for violating the rules.").

Accordingly, it is **ORDERED** that the plaintiffs' motions to amend [dkt. #35 & #38] are **DENIED WITHOUT PREJUDICE**.

It is further **ORDERED** that the plaintiffs' counsel shall read the Local Rules for the United States District Court for the Eastern District of Michigan before taking any further action in this case.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: August 13, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 13, 2009.

s/Lisa M. Ware  
LISA M. WARE